

YUSUKE BANNO,

Plaintiff,

- against -

CITY OF NEW YORK, POLICE OFFICER
JOHN PARK, POLICE OFFICER ORLANDO
RIVERA and JOHN DOE,

Defendants.

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

06 Civ. 2270 (RJS) (JCF)

O R D E R

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/22/08

Plaintiff having moved by letter dated April 8, 2008 to compel discovery, it is hereby ORDERED as follows:

1. Plaintiff's application for an order requiring Officer Park to provide a release for medical records is denied, as plaintiff has offered no basis to believe that the complete records have not already been produced.

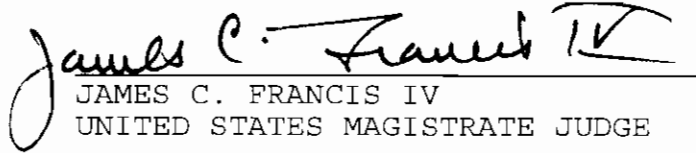
2. By May 16, 2008, Officer Park shall provide an affidavit demonstrating a good faith effort to ascertain the identity of the surgeon he consulted.

3. Plaintiff's application to continue the deposition of Officer Park is denied without prejudice; plaintiff has not identified what information, if any, was belatedly produced by defendants.

4. Plaintiff's application for an order requiring defendants to produce the original transcripts of the depositions of Officers Park and Rivera is denied as moot. The application to preclude defendants from relying on untimely changes to those transcripts is

Case 1:06-cv-02270-RJS-JCF Document 52 Filed 04/22/2008 Page 2 of 2
denied without prejudice to renewal at such time as the transcripts
are offered at trial or on dispositive motion.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
April 22, 2008

Copies mailed this date:

Jeffrey E. Fogel, Esq.
215 Spruce Street
Charlottesville, VA 22902

James Mirro, Esq.
Special Assistant Corporation Counsel
City of New York Law Department
100 Church Street
New York, New York 10007